

N.J.S.A. 33:1-12.39

PROCEDURE FOR LICENSEES TO PETITION THE DIRECTOR TO ALLOW RENEWAL OF A LICENSE THAT BECAME INACTIVE ON OR BEFORE JUNE 30, 2001.

(2003-2004 LICENSE TERM)

If your license became inactive on or before June 30, 2001, **your local issuing authority will not have the jurisdiction to renew your inactive license for the 2003-2004 license term unless you first obtain a "Special Ruling" from the Director of the New Jersey Division of Alcoholic Beverage Control.** An inactive license is a license that is not currently open and operating in a licensed premises. The Director has the authority to grant a Special Ruling pursuant to N.J.S.A. 33:1-12.39 for more than one license term at a time. Licensees are encouraged to request relief for more than one license term.

Upon submission of a Verified Petition and a non-refundable filing fee of \$100 per license term, licensees may be able to receive one Special Ruling which grants them up to two (2) license terms of relief. Therefore, one Special Ruling could provide relief for multiple license terms and avoid licensee uncertainty about Special Rulings in the future. Be advised, however, that a licensee that receives a Special Ruling for future license terms is required to file a timely renewal application next year and in all future years. The Director, upon request by a licensee and a showing of good cause, will consider granting the following relief:

If your license became inactive **between** July 1, 2000 and June 30, 2001, the Director will consider granting a Special Ruling granting two (2) years of relief.

If the license became inactive on or **before** June 30, 2000, the Director will consider issuing a Special Ruling granting one (1) year of relief. The Director's Ruling will authorize your governing body to consider renewal of the inactive license for the **2003-2004** term. Any additional license terms stated in the Ruling will be considered during the appropriate future renewal season. This policy allows licensees to more easily plan for the activation or transfer of the license, permit management of financial matters, and reduce paperwork.

In order for the Division of Alcoholic Beverage Control to process a request for a Special Ruling to authorize renewal of an inactive license under N.J.S.A. 33:1-12.39, you must submit a "Verified Petition" to the Director. There is no Verified Petition "form" to be filled out. A Verified Petition contains an affidavit made by, and mailed to us by, a licensee with direct personal knowledge concerning the required facts (as set forth below), which is **signed and sworn to before a notary public or any other person authorized to administer oaths in the State of New Jersey.**

Your Verified Petition must include the following information:

1. Complete identification of licensee and license number;
2. Name, address, and phone number where you can be reached;

3. Date (month, day, and year) license ceased active operations and reasons for inactivity;
4. Number of license terms for which you request relief; (Be sure to send the proper amount of filing fees.)
5. **Specific efforts made to activate the license**, or difficulties encountered which prevented activation of license. You should include dates when certain activities occurred so the Director can determine whether there is good cause to authorize a further application for renewal. It is helpful to include with your Verified Petition copies of relevant documents such as dated and signed agreements for sale, listing agreements with real estate agents, etc., as evidence which supports the information submitted;
6. **Prognosis** when the license will be activated; and
7. **\$100 per license term requested** for the filing fee of the Verified Petition. Make sure that you send the proper amount based upon the number of license terms you request. For example, if you qualify and would like to be considered for relief for two (2) years, please submit \$200. Payment must be made by personal check, certified check, money order or attorney trust check, made payable to the "N.J. Division of ABC". **Payment must accompany the Verified Petition upon submission to this Division. THIS FEE IS SEPARATE FROM THE \$100.00 STATE FEE WHICH IS SUBMITTED TO YOUR LOCAL MUNICIPAL OFFICE ALONG WITH THEIR LOCAL FEE AT RENEWAL TIME.**
8. A **copy** of the Verified Petition **must be submitted to your municipal clerk** at the same time submission is made to this Division.
9. Your Verified Petition and supporting documentation should be mailed to "Director, NJ Division of Alcoholic Beverage Control, P.O. Box 087, 140 East Front Street, 5th Floor, Trenton, New Jersey, 08625, **ATTENTION: MICHELE BOYER, DAG.**" **DO NOT SUBMIT YOUR VERIFIED PETITION TO THIS DIVISION ANY EARLIER THAN MAY 15.**
10. The deadline for filing your Verified Petition with this Division is July 17, 2003.
11. **Do not** fax your Verified Petition or attach it to your renewal application.

12. You must file your 2003-2004 renewal application with the issuing authority no later than July 30, 2003. The clerk of your municipality is advised to accept your application and fees, but to defer passing a Resolution renewing your license until receipt of a Special Ruling and a Tax Clearance Certificate.

If your license is subject to a **Special Condition imposed by a CONSENT ORDER** entered into with this Division which required activation by a specific date, or a Special Condition imposed by a **FINAL DECISION** by the Director, be advised that your license presumptively lapses and it will be more difficult for you to meet the standard for the issuance of a Special Ruling.

Also, if your license received a two (2) year "fire/casualty" ruling pursuant to N.J.S.A. 33:1-12.39 which authorized renewal for the 2002-2003 and 2003-2004 license terms, the ruling only applies to the licensee who suffered the casualty loss. If the license has been transferred to you in the last year, then you must petition the Division as outlined in this letter pursuant to N.J.S.A. 33:1-12.39 before your local governing body can renew the license for the 2003-2004 license term.

Prior to renewal, **all licensees** must receive a Tax Clearance Certificate from the Division of Taxation. If this presents a problem, CALL THE DIVISION OF TAXATION at (609) 633-6213.

YOU MUST FILE YOUR RENEWAL APPLICATION AND PAY ALL NECESSARY FEES TO THE LOCAL ISSUING AUTHORITY BY THEIR DEADLINE DATE. IN ANY EVENT, BE ADVISED THAT STATE LAW REQUIRES THAT YOU FILE YOUR RENEWAL APPLICATION AND FEES ON OR BEFORE JULY 30, 2003 Failure to file your renewal application and fees with the local issuing authority by July 30, 2003 may cause your license to permanently lapse and cease to exist.

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